

CHAPTER 446.
SEAT OF GOVERNMENT.
Chapt. 264, 278, 321, 326, 351, 365, 414, 415, 416.

AN ACT to provide for the sale of certain lots, and the building of a State House in the City of Jefferson, the permanent seat of government of this state."

- 1 Trustees appointed—tenure of office—vacancies.
- 2 Two hundred lots to be sold—terms of sale.
- 3 Notice of sale.
- 4 Four lots to be reserved for residence of governor.
- 5 Notice to undertakers to be given, &C.
- 6 Purchasers to give bond and security—undertaker of public building to give bond.
- 7 Trustees to give bond—to be approved by circuit judge, and filed in office of secretary of state—oath.
- 8 Compensation of trustees.
- 9 May contract for removal of New Madrid claim.
- 10 Owner of such claim refusing to remove it, eight squares to be condemned.
- 11 How squares to be appropriated.
- 12 Claimant may commence suit in chancery against the state—attorney general to answer—value to be assessed, and drawn on treasury.
- 13 Bond for refunding to be given before decree is carried into effect—bond where deposited.
- 14 Trustees to make selection of squares condemned—to report to next general assembly.
- 15 Duty of attorney general, and circuit attorney in defending the state—limitation of action vs. the state.
- 16 Part of former act repealed.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. Josiah Ramsey, junior, John C. Gordon, and Adam Hope, be and they are hereby appointed trustees of the said city of Jefferson, who shall continue in office until the end of the session of the next general assembly, and until their successors shall be appointed and qualified; and if the office of any, or all, of said trustees should in any manner become vacant, the governor of this state is hereby authorized and required to fill such vacancy.
2. It shall be the duty of the said trustees to offer for sale to the highest bidder, at the said city, on the first Monday in May next, two hundred lots in the said city, to be selected by them, for cash or auditor's warrants, and to require one third of the purchase money to be paid down, one third in twelve months, and the remaining one third in eighteen months, after the said day of sale; provided, that if the whole of said lots are not sold on the day above mentioned, the sale may be continued from day to day until the whole are sold.
3. It shall be the duty of said trustees herein named, to give notice in at least four of the newspapers printed in this state of the time and place of sale, and the terms of payment.
4. The said trustees, and their successors, shall reserve from sale four lots, to be by them selected as the most convenient and eligible situation for the residence of the future governors of this state, and on which they shall cause to be erected, as soon as may be, a good and convenient brick building, not more than sixty feet long nor more than forty feet wide, two stories high, with suitable rooms and fire places; two of the apartments in said building shall be suitably constructed and finished for the reception and use of the general assembly until the state house shall be erected ; and it shall moreover be the duty of the trustees in constructing the said building to take into consideration both the accommodation of the general assembly and its convenience, and the residence of the Governors of this state.
5. It shall be the duty of said trustees, when they advertise the sale of lots as herein before directed, to publish also a plan of the building named in the preceding section, and also that the erection and finishing of the same will be let out to the lowest bidder on the day of sale of said lots; and that the undertaker or undertakers shall receive the same kind of money as the trustees receive from purchasers of lots, and give the said trustees the same indulgence as to the time of payment as this act requires them to give to the purchasers aforesaid.
6. It shall further be the duty of said trustees to take from all persons purchasing lots as aforesaid, bonds with two good and sufficient sureties, to be by them approved, for the payment of the purchase money;

provided however, that no titles shall be made to any purchaser until he shall have completed his payments. And it shall further be the duty of the trustees aforesaid, to take from the person or persons undertaking to erect and finish the building mentioned in the fourth section of this act, a bond with sufficient sureties, for finishing the house on a certain day to be therein named, and for the faithful performance of his or their contract; and all the bonds mentioned in this section shall be taken in the name of the Governor of this state for the time being and his successors in office, for the use of the state: provided, it shall be the duty of the trustees to complete said building on or before the first day of October, eighteen hundred and twenty-six.

7. Before the trustees herein before named proceed to act, they shall severally give bond, with good and sufficient sureties, to be approved by the judge of the circuit court for the county of Callaway, in the sum' of twenty thousand dollars, conditioned, that they shall faithfully 'and truly perform all the duties required of them by the provisions of this act; which bonds shall be taken in the same man ner as the bonds mentioned in the preceding section are directed to be taken, and shall be riled in the office of the secretary of state; and further, before they proceed to act they shall severally take and subscribe an oath or affirmation, before some judge or justice of the peace, faithfully and impartially to discharge all the duties enjoined on them by this act, the certificate or certificates of which oath or affirmation shall be filed in the office of the clerk of the circuit court of the county of Callaway ; provided, that the trustees may proceed to advertise the sale of lots before they shall have given bond and security as aforesaid.

8. Said trustees shall receive such compensation for their services as the next general assembly may think reasonable.

9. The trustees appointed by this act be, and they are hereby authorized and required to contract for the removal of the New Madrid claim, or claims, located on the lands selected for the permanent seat of government of this state; and if the claimants of said location or locations shall remove the same, on or before the first day of April next, then and in that case the auditor of public accounts shall draw his warrant on the treasurer of the state for the amount agreed to be paid by the trustees, not exceeding four thousand dollars, to be paid out of moneys appropriated for the expenses of the permanent seat of government.

10. In case the owner or owners of the New Madrid claim or claims located as above, shall refuse or neglect to remove the same, at the time provided for by this act, then and in that case eight squares of said land, (according to the plan of the city of Jefferson,) to be selected by said trustees, together with all the streets and alleys, (according to the plan,) shall be, and the same is hereby condemned for the public use; and all the right, title, and interest which any person or persons may have in and to the land so condemned, shall be and the same is hereby vested in the state of Missouri forever.

11. Four squares of the land condemned by this act shall be selected adjoining each other, for the erection of a state house; also, one other square, for the residence of the governor, and one other square, for the erection of a penitentiary, and one other square, for the erection of a hospital, and one other square, for the erection of a seminary of learning.

12. Any person claiming the land condemned by this act, may commence a suit in chancery, or against the state, in the circuit court for the county of Cole, setting forth this act, and the nature of his demand ; and it shall be the duty of the attorney general, and the circuit attorney for the district, on behalf of the state, to answer the bill of the complainant or complainants in such manner as that the nature and validity of the title shall come fairly and properly before the court and if it shall appear that the land does of right belong to the complainant or complainants, the court shall thereupon direct a jury to assess the value thereof in its unimproved state, and decree accordingly. And the auditor of public accounts shall draw upon the treasury of this state for the amount assessed by the jury, which shall be in full satisfaction for all claims which such persons may have in and to the land aforesaid.

13. The person or persons obtaining a decree as aforesaid, shall, before the same is carried into effect, enter into bond with security, to be approved of by the court, payable to the governor and his successors in office, in a sum double the amount of the value of the land condemned, conditioned that he or they will refund the sum so paid, with legal interest, to any other claimant or claimants who may thereupon make it appear that the title of the land condemned as aforesaid, is vest ed in him or them; which bond shall be deposited in the office of the clerk of the circuit court for said county of Cole and any person having another and a better claim to such land, may commence hid action thereon, and if it shall appear the proper

right of the land belongs to the person so suing, the court shall enter up judgment on said bond for the amount thereof, to be discharged by the amount so paid with interest as aforesaid.

14. The trustees shall, on or before the first day of May next, proceed to make selection of the eight squares condemned by this act; and the four squares adjoining each other, designed for the location of the capitol, shall include the square at present contemplated in the plan of said city for the capitol of Missouri and the said trustees shall make a full and complete report of all their proceedings to the next general assembly of this state.

15. The attorney general and circuit attorney shall cause such witnesses to appear, and such depositions to be taken, as in their opinion may be necessary to defend the right of this state to the land claimed ; and the auditor of public accounts shall from time to time draw upon the treasury for such sums as may be sufficient to defray the necessary expenses and any and all persons who shall fail to commence their suit as herein provided, within five years from the passage of this act, shall be forever thereafter barred from prosecuting any claim therefore, excepting minors, femme coverts, and persons of unsound mind, who shall be allowed the term of five years after their several disabilities may be removed.

16. So much of the third section of an act entitled an act supplementary to the act fixing the permanent seat of government, approved on the eleventh day of January, one thousand eight hundred and twenty-two, as authorized the sale of all the lots in the city of Jefferson, and that the sale shall be made by the commissioners appointed to select a place for the permanent seat of government, be and the same is hereby repealed.

This act shall be in force from and after its passage.
Approved, December 19, 1822.